

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

v.

Criminal Action No. 2:24-CR-4

NITESH RATNAKAR,

Defendant.

**DEFENDANT'S UNOPPOSED MOTION FOR TIME TO RESPOND TO GOVERNMENT'S  
MOTION TO RESTRAIN DEFENDANT FROM DISSIPATING OR ENCUMBERING ASSETS**

Defendant Nitesh Ratnakar, by counsel, moves the Court for an order granting him seven days, until September 29, 2025, to respond to the Government's Motion to Restrain Defendant from Dissipating or Encumbering Assets. Defendant states as follows:

1. The Government filed said Motion on September 18, 2025 (ECF 145), followed by a Supplemental Memorandum (ECF 146), filed on September 19, 2025.

2. Defendant's counsel would request that they be afforded seven days in which to file Defendant's response to said Motion and Supplemental Memorandum.

3. The Government, by Assistant United States Attorney Morgan S. McKee, does not oppose the granting of this motion.

WHEREFORE, Defendant moves that the Court enter an order granting him until September 29, 2025, to file his response.

Respectfully submitted,

NITESH RATNAKAR  
Defendant  
By counsel

/s/David M. Garvin

DAVID M GARVIN

*Pro Hac Vice* Counsel

for Defendant

2333 Ponce De Leon Boulevard

Suite 314

Coral Gables, FL 33134

Phone 305-371-8101

[dgarvin@garvin.law](mailto:dgarvin@garvin.law)

ontrial2@gmail.com

/s/ Harry A. Smith, III

HARRY A. SMITH, III

Jory & Smith, L.C.

P.O. Box 1909

Elkins, WV 26241

[hasmith@jorysmith.com](mailto:hasmith@jorysmith.com)

304-636-3553

**CERTIFICATE OF SERVICE**

I, Harry A. Smith, III, counsel for Defendant Nitesh Ratnakar, do hereby certify that the *Motion for Time to Respond to Government's Motion to Restrain Defendant from Dissipating or Encumbering Assets* was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Jarod J. Douglas  
Assistant United States Attorney

Eleanor Hurney  
Assistant United States Attorney

Morgan S. McKee  
Assistant United States Attorney

Dated at Elkins, West Virginia, this 22<sup>nd</sup> day of September, 2025.

/s/ Harry A. Smith, III  
HARRY A. SMITH, III  
Jory & Smith, L.C.  
P.O. Box 1909  
Elkins, WV 26241  
[hasmith@jorysmith.com](mailto:hasmith@jorysmith.com)  
304-636-3553